

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

592V0402

SENATE BILL NO. **67**

Introduced by: Senators Otten (Ernie), Begalka, Ewing, Holien, Jensen, Krebs, Lederman, Maher, Monroe, Omdahl, Rampelberg, Rave, Rhoden, and Van Gerpen and Representatives Hickey, Campbell, Craig, Kaiser, Nelson, Olson (Betty), Otten (Herman), Qualm, Russell, Stalzer, Steele, and Verchio

1 FOR AN ACT ENTITLED, An Act to provide protection to certain businesses or persons that
2 decline to provide certain wedding services or goods due to the free exercise of religion.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. This Act is intended and shall be construed to further the compelling
5 governmental interest of protecting the free exercise of religion by way of conscience.

6 Section 2. Nothing in the Act is intended to burden any person's or personal business'
7 freedom of religion including the right of a person or personal business to deny services if
8 providing those goods or services would be contrary to the person's or business' sincerely held
9 religious beliefs, philosophical beliefs, or matters of conscience.

10 Section 3. No person or any personal business may be required to provide services,
11 accommodations, facilities, goods, or privileges for a purpose related to the solemnization,
12 formation, or celebration of any marriage, or treat any marriage as valid for any purpose if such
13 action would cause any such person or personal business to violate the person's sincerely held
14 religious beliefs.



1 Section 4. No refusal to provide services, accommodations, facilities, goods, or privileges
2 protected by this Act gives rise to a civil or criminal claim or cause of action or any action by
3 the state or any of its political subdivisions to penalize or withhold benefits or privileges,
4 including tax exemptions or governmental contracts, grants, or licenses, from any protected
5 person or personal business.

6 Section 5. Any person who brings a civil action against a person or personal business
7 protected by the provisions of this Act may be subject to an award of punitive damages by the
8 court.